

REMARKS/ARGUMENTS**I. Introduction**

This amendment is submitted in response to the Office Action dated December 15, 2005.

Claims 1-5, 7, 14, and 18-35 have been canceled. Accordingly, Claims 6, 8-13, and 15-17 are now pending.

Claim 8 has been amended to more particularly point out distinctions of the present invention. The amendment is supported by the specification. Claim 15 has been re-written in independent form because the claim that it was based on has been canceled.

The claim groupings and claim order employed by the Examiner in the Office Action will be followed here, to avoid confusion.

Claim 7 stands rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0111991 to Wood et al. (hereinafter "the Wood et al. patent"). Claims 14, 15, and 25 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,341,160 to Tverskoy et al. (hereinafter "the Tverskoy et al. patent"). Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,732,151 to Tobias, et al. (hereinafter "the Tobias et al. patent") combined with U.S. Patent No. 6,621,892 to Bannister et al. (hereinafter "the Bannister et al. patent") in further view of U.S. Patent No. 6,925,166 to Chan (hereinafter "the Chan patent").

Claims 6, 9, and 17 are allowed.

Claim 16 is objected to as being dependent on a rejected claim.

Claims 10-13 are listed on the cover sheet as being objected to, but no reason was given in the Office Action, and since those claims are dependent on an allowed claim (claim 9), it is respectfully submitted that claims 10-13 are patentable.

No new matter has been introduced in any of the amendments. In view of the above amendments and following remarks, it is respectfully submitted that all of the pending claims are patentable over the applied references.

II. Discussion of the Applied References

1. Rejected Claim 7 has been Canceled
2. Claim 15, as Amended, and Claim 16 are Patentable

Claims 14, 15, and 25 stand rejected under the Tverskoy et al. patent. Claims 14 and 25 have been canceled. Claim 15 has been re-written in independent form. Claim 15, as amended, recites:

A method of controlling a voice message system, comprising:
receiving an E-mail message indicating that a voice message retrieved from said voice message system and forwarded to a service subscriber was reviewed;
in response to receiving said E-mail message, accessing said voice message system by placing a telephone call to said voice message system over a telephone network; and
sending a control signal to said voice message system over said telephone network causing said retrieved voice message to be deleted from said voice message system.

The Tverskoy et al. patent discloses an electronically accessible answering machine. The machine receives voice messages and sends them via E-mail to the user (Abstract). The user can also send E-mail messages back to the machine to delete saved messages (col. 6, lines 12-22). However, there is no teaching or suggestion of “in response to receiving said E-mail message, accessing said voice message system by placing a telephone call to said voice message system over a telephone network; and sending a control signal to said voice message system over said telephone network causing said retrieved voice message to be deleted from said voice message system”.

These limitations are in claim 15, as amended. Since the answering

machine of the Tverskoy et al. patent is the device which receives the E-mail message to delete saved voice messages, there is no way for the device to place a telephone call to itself to cause the deletion. As a matter of fact, by specifying that the answering machine itself receives E-mail instructions from the user, the patent teaches away from the invention of claim 15.

Therefore claim 15, as amended, is patentable over the Tverskoy et al. patent reference.

Claim 16 was objected to because it was dependent on a rejected claim. However, as argued above, it is respectfully submitted that claim 15 is patentable, and therefore claim 16, which depends from claim 15, is also patentable.

3. Claim 8, as Amended, Is Patentable

Claim 8 stands rejected as being unpatentable over the Tobias et al. patent combined with the Bannister et al. patent, in further view of the Chan patent. Claim 8 has been amended to more particularly point out the distinctions between the claim and the references. Claim 8, as amended, recites:

A method of operating a communications device, the method comprising:
 accessing a voice message system;
 retrieving, over a public telephone network, a voice message from the voice message system;
 generating a digital audio file representing said message;
 sending, using at least one Internet Protocol (IP) packet, the digital audio file representing said message to a service subscriber;
 receiving an E-mail message from the service subscriber in response to the packet, including a telephone number and an audio file;
 initiating a telephone call using said telephone number;
 monitoring to detect a speech signal followed by a period of silence; and
 upon detecting said period of silence, playing the audio file.

The Tobias et al. patent discloses a system for forwarding voice messages to an email account (Abstract). There is no teaching or suggestion of “receiving an E-mail message from the subscriber” and initiating a telephone call using the information in the message. The Examiner acknowledges these missing limitations on p. 5 of the Office Action.

The Bannister et al. patent discloses a system that receives electronic mail messages, converts the messages to audio, and using a telephone number in the address of the electronic message (or via a look-up procedure) calls the intended recipient and plays the audio (Abstract). There is no teaching or suggestion of “accessing a voice message system”, “retrieving, over a public

telephone network, a voice message from the voice message system”, or “sending, using at least one Internet Protocol (IP) packet, the digital audio file”.

First, there is no reason to combine the Tobias et al. patent with the Bannister et al. patent. One delivers voice messages from one party via email to a receiving party. The other delivers electronic messages from one party via telephone (audio) to a receiving party. There would be no reason to combine the references.

Second, even if the references were combined, the combination would be a system which could receive either email or voice messages, and send those messages via audio voice or email to a recipient. The combination of the references would **not** teach or disclose “receiving an E-mail message from the subscriber” (the “subscriber” in claim 8 is the **recipient** of the digital audio file representing the original message) and initiating a telephone call to a third party using the information in the E-mail message. Put another way, the combination of the above references would **not** teach sending a message to a recipient, receiving a responsive email from that recipient, and then sending an audio message to a third party, as is recited in claim 8.

The Chan patent discloses a call center which automatically calls recipients by telephone. A prerecorded greeting is played to the recipient while a determination is made as to whether the call was answered by a live party. If it is determined that the call was so answered, the call is connected to a live operator. Otherwise, the call is terminated (abstract). The call center identifies the time to initiate playing the prerecorded greeting by looking for a pause after an initial response to the call (col. 2, line 60 thru col. 3, line 3).

First, the Chan patent does not remedy the failures in the other references discussed above. The Chan patent does not teach “receiving an E-mail message from the subscriber” and initiating a telephone call using the information in the message. Given that none of the three cited references teaches or suggests making a telephone call in response to a second email with

an attached digital audio file sent by the recipient of a first email message with an attached digital audio file, there would be no reason to use the Chan patent to accomplish one aspect of these tasks by "monitoring to detect a speech signal followed by a period of silence; and upon detecting said period of silence, playing the audio file".

For these reasons, no combination of the cited references renders claim 8 unpatentable.


IV. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims, as amended, are in condition for allowance. Accordingly, Applicant requests that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is invited to contact Applicant's undersigned representative by phone to discuss and hopefully resolve said issues. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to Patent Office deposit account number 07-2347.

Respectfully submitted,

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